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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,906	10/18/2001	Kevin Owen	10012753-1	8521

7590 03/02/2007
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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03/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/982,906	Applicant(s) OWEN, KEVIN	
	Examiner Sajous Wesner	Art Unit 2628	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

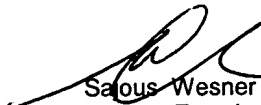
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): of claims 14-15, 17-20, 28-29, 31-32, & 39.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: _____
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


Sajous Wesner
Primary Examiner
Art Unit: 2628

Continuation of 11. does NOT place the application in condition for allowance because: the Applicant's arguments are not deemed persuasive. Particularly, the cited sections in the disclosure presented by the applicant as proof that the original disclosure supports the claimed language does not implies that a particular graphic is displayed each time a given electrical state is entered, as argued by the applicant. For example, the section at page 11 is merely stating that a graphic is displayed when the device is in a given state; and page 14 is merely saying that the a graphic is displayed when a give state is detected. But, nowhere in any of the stated sections it is found that the graphic is displyed every time the device state is entered. In reading the claim and the arguments, it appears that the claims was intended to read as -displaying a graphic each time or whenever the display device is in a particular state or each time a device state occurs-. Thus, the Examiner still maintains that the original disclosure does not convey to the ordinary skill in the art at the time of the invention "displaying a graphic each time a given state is entered. As per the arguments with respect to claims 14 and 19, the Examiner concedes that the original disclosure shows support for "...only for the purpose of repeated display during a given state of the electrical device... each time the electrical device state occurs. As per the 35 USC 112 2nd paragraph rejections of claims 1, 9 and 34, the Examiner is not convince that the phrase "each time a given state is entered" is made clear what is being encompassed by the claim. Clarification is needed as what "given state" or to how the "given state is entered".

In short, the Examiner respectfully submit that the rejections of claims 1-8, 10-13, 22-23, 25-26, 35-36 and 40 are maintained. Claims 14-15, 17-20, 28-29, 31-32, & 39 are allowed because the prior art fails to teach receiving with a device that is printer, or photocopier, or a fax machine, or a network appliance graphical data selected by a user and sent to the electrical device from a host computer only for the purpose of repeated display during a given state of the device; the electrical device receiving an indication from the host computer as to what state the selected graphic is to be displayed by the electrical device each time the eletrical device state occurs. As the Parulski reference (US 7027172) only display and prints with a printer transmitted images captured by a camera. The printer is not provided with an indication from a host computer as to what state the selected graphic is to be(only) displayed by the printer each time the eletrical device (printer's) state occurs

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